

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:) Case No.: 11-26115-JAD
)
DAVID A. BERTUS,) Chapter 13
)
Debtors)
)
)
)
)
)
)

**CREDITOR BEACON HILL TOWNHOUSE CONDOMINIUMS'S RESPONSE TO
MOTION TO DETERMINE THAT ALL ARREARS HAVE BEEN CURED AND THAT
DEBTOR IS FULLY CURRENT IN REGARD TO OBLIGATIONS OWED**

AND NOW, comes Creditor, Beacon Hill Townhouse Condominiums, by and through its attorneys, Bradley S. Dornish, Esq., Andrew J. Bosh, Esq., and Dornish Law Offices, P.C., and files this Response to Debtor's Motion to Determine That All Arrears Have Been Cured and That Debtor Is Fully Current in Regard to Obligations owed, averring in support thereof as follows:

1. The averments of Paragraph 1 of Debtor's Motion are admitted.
2. The averments of Paragraph 2 of Debtor's Motion are admitted in part and denied in part. It is admitted that payment of Creditor's initial claim has been made. It is specifically denied that payments of all continuing monthly assessments have been made. Attached hereto as Exhibit "A" is a true and correct copy of Creditor's Statement of Account for Debtor, which lists a current balance of \$14,782.60.
3. The averments of Paragraph 3 of Debtor's Motion are admitted in part and denied in part. It is admitted that payments made by the Debtor included payments toward a cure of arrears. It is specifically denied that payments of all continuing monthly assessments have been

made during the term of the Plan. Creditor's Statement of Account for Debtor indicates that \$14,782.60 in continuing fees is owed.

4. The averments of Paragraph 4 of Debtor's Motion are specifically denied. Creditor still owes \$14,782.60 to Creditor.

5. The averments of Paragraph 5 of Debtor's Motion are neither admitted nor denied. The record speaks for itself.

6. The averments of Paragraph 6 of Debtor's Motion constitute a request for relief to which no response is required and is, therefore, deemed denied.

WHEREFORE, Creditor, Beacon Hill Townhouse Condominiums, respectfully requests that this Honorable Court deny Debtor's Motion to Determine That All Arrears Have Been Cured and That Debtor Is Fully Current in Regard to Obligations.

Respectfully Submitted,



Andrew J. Bosh, Esquire
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abosh@dornish.net
*Attorney for Creditor Beacon Hill
Townhouse Condominiums*

Beacon Hill Townhouse Condos
c/o Rj Community Mgt.
20475 Route 19, #4
Cranberry Township, PA 16066

Statement of Account

as of 12/6/2016

412-527-8557

bill@rjcmgt.com

Pay online at www.aafin.com.

David A. Bertus
7313 Beacon Hill Drive
Pittsburgh PA 15221

7313 Beacon Hill Drive
Account #: 7313
Lot/Unit #: N/A
Due Date: 12/06/2016
Amount Due: \$14,782.60

Date	Description	Charges	Credits	Balance	Balance Breakdown	Balance
07/31/2016	Balance Forward			\$14,080.60	Balance Forward	13,865.60
08/01/2016	ASSESSMENT	\$190.00		\$14,270.60	ASSESSMENT	570.00
08/11/2016	Late Fees	\$25.00		\$14,295.60	Late Fees	125.00
08/30/2016	Payment Rec'd 1008399		\$190.00	\$14,105.60	Legal Fees	222.00
09/01/2016	ASSESSMENT	\$190.00		\$14,295.60	Total	14,782.60
09/11/2016	Late Fees	\$25.00		\$14,320.60		
09/29/2016	Payment Rec'd 1012430		\$190.00	\$14,130.60		
10/01/2016	ASSESSMENT	\$190.00		\$14,320.60		
10/11/2016	Late Fees	\$25.00		\$14,345.60		
10/31/2016	Payment Rec'd 1016348		\$190.00	\$14,155.60		
11/01/2016	ASSESSMENT	\$190.00		\$14,345.60		
11/11/2016	Late Fees	\$25.00		\$14,370.60		
11/22/2016	Legal Fees	\$222.00		\$14,592.60		
12/01/2016	ASSESSMENT	\$190.00		\$14,782.60		
Current Balance:				\$14,782.60		

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Beacon Hill Townhouse Condominium Assn.

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FINANCIAL TRANSACTIONS - 03/02/16

7313 BEACON HILL DR

DAVID A. BERTUS

Unit ID: 7313

STATUS: 07 - Bankruptcy

START DATE: 02/01/16 PREPAID BAL: 0.00

DATE	PAYMT/AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
020116				A1		ASSESSMENT	190.00	14670.67
020216	729.60	975515	020216	05		Attorney Fees	(729.60)	13941.07
022216				05		Attorney Fees	1207.50	15148.57
022916	1547.97	979525	022916	05		Attorney Fees	(1547.97)	13600.60
030116				A1		ASSESSMENT	190.00	13790.60

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Beacon Hill Townhouse Condominium Assn.

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FINANCIAL TRANSACTIONS - 01/12/16

7313 BEACON HILL DR
DAVID A. BERTUS
Unit ID: 7313
STATUS: 07 - Bankruptcy
PREPAID BAL: 0.00

DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
030115				A1		ASSESSMENT	185.00	10253.30
033015	165.00	935047	033015	05		Attorney Fees	(165.00)	10088.30
040115				A1		ASSESSMENT	185.00	10273.30
041615				01		Late Fees	25.00	10298.30
041615				01		Late Fees	(25.00)	10273.30
042015				05		Attorney Fees	122.50	10395.80
042715	165.00	939196	042715	05		Attorney Fees	(165.00)	10230.80
050115				A1		ASSESSMENT	185.00	10415.80
052815	165.00	943362	052815	05		Attorney Fees	(165.00)	10250.80
053115				05		Attorney Fees	210.00	10460.80
060115				A1		ASSESSMENT	185.00	10645.80
062515	165.00	947378	062515	05		Attorney Fees	(165.00)	10480.80
070115				A1		ASSESSMENT	185.00	10665.80
073015	222.44	951335	073015	05		Attorney Fees	(222.44)	10443.36
080115				A1		ASSESSMENT	185.00	10628.36
082515				05		Attorney Fees	525.00	11153.36
083115	165.00	955446	083115	05		Attorney Fees	(165.00)	10988.36
090115				A1		ASSESSMENT	185.00	11173.36
092915	165.00	959435	092915	05		Attorney Fees	(165.00)	11008.36
100115				A1		ASSESSMENT	185.00	11193.36
102815	165.00	963313	102815	05		Attorney Fees	(165.00)	11028.36
110115				A1		ASSESSMENT	185.00	11213.36
113015	165.00	967423	113015	05		Attorney Fees	(165.00)	11048.36
120115				A1		ASSESSMENT	185.00	11233.36
120815				05		Attorney Fees	35.00	11268.36
120815						07/28/2015 CASE REVIEWED BY MFD		
122815	369.79	971530	122815	05		Attorney Fees	(369.79)	10898.57
010116				A1		ASSESSMENT	190.00	11088.57

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Beacon Hill Townhouse Condominium Assn.

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FINANCIAL TRANSACTIONS - 01/12/16

7313 BEACON HILL DR
DAVID A. BERTUS
Unit ID: 7313
STATUS: 07 - Bankruptcy
PREPAID BAL: 0.00

DATE	PAYMT AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
070114				A1		ASSESSMENT	185.00	8649.15
072814	165.00	901871	072814	A1		ASSESSMENT	(165.00)	8484.15
080114				A1		ASSESSMENT	185.00	8669.15
082514				12		Fines Levied	50.00	8719.15
082514						Pool Infraction		
082814	165.00	905968	082814	12		Fines Levied	(50.00)	8554.15
082814				A1		ASSESSMENT	(115.00)	
090114				A1		ASSESSMENT	185.00	8739.15
091814				05		Attorney Fees	70.00	8809.15
093014	1161.67	910018	093014	05		Attorney Fees	(70.00)	7647.48
093014				A1		ASSESSMENT	(1091.67)	
100114				A1		ASSESSMENT	185.00	7832.48
103114	435.59	914187	103114	A1		ASSESSMENT	(435.59)	7396.89
110414				A1		ASSESSMENT	185.00	7581.89
112014				01		Late Fees	25.00	7606.89
112414				12		Fines Levied	50.00	7656.89
112414						Furnace inspection not done		
112514	165.00	918215	112514	01		Late Fees	(25.00)	7491.89
112514				12		Fines Levied	(50.00)	
112514				A1		ASSESSMENT	(90.00)	
120114				A1		ASSESSMENT	185.00	7676.89
120214				05		Attorney Fees	1592.50	9269.39
122614	165.00	922871	122614	05		Attorney Fees	(165.00)	9104.39
123114				05		Attorney Fees	2124.00	11228.39
010115				A1		ASSESSMENT	185.00	11413.39
011515				12		Fines Levied	200.00	11613.39
012915	1565.09	926837	012915	12		Fines Levied	(200.00)	10048.30
012915				05		Attorney Fees	(1365.09)	
020115				A1		ASSESSMENT	185.00	10233.30
022615	165.00	931026	022615	05		Attorney Fees	(165.00)	10068.30

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Beacon Hill Townhouse Condominium Assn.

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FINANCIAL TRANSACTIONS - 01/12/16

7313 BEACON HILL DR
DAVID A. BERTUS
Unit ID: 7313
STATUS: 07 - Bankruptcy
PREPAID BAL: 0.00

DATE	PAYMT/AMT	CHECK #	DEP DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
090113		APPLY CHARGES		A1		ASSESSMENT	185.00	10942.33
090313	439.86	856904S	090313	01		Late Fees	(10.00)	10502.47
090313				05		Attorney Fees	(35.00)	
090313				A1		ASSESSMENT	(394.86)	
092513		EXPENSE ADJ		05		Attorney Fees	35.00	10537.47
100113		APPLY CHARGES		A1		ASSESSMENT	185.00	10722.47
103013		EXPENSE ADJ		05		Attorney Fees	122.50	10844.97
110113		APPLY CHARGES		A1		ASSESSMENT	185.00	11029.97
112513	1306.35	869262S	112513	05		Attorney Fees	(157.50)	9723.62
112513				A1		ASSESSMENT	(1148.85)	
120113		APPLY CHARGES		A1		ASSESSMENT	185.00	9908.62
121213		EXPENSE ADJ		05		Attorney Fees	105.00	10013.62
122413		APPLY LATE FEE		01		Late Fees	2.00	10015.62
122613	852.78	873277S	122613	05		Attorney Fees	(105.00)	9162.84
122613				A1		ASSESSMENT	(747.78)	
010114		APPLY CHARGES		A1		ASSESSMENT	185.00	9347.84
012914	438.87	877304	012914	01		Late Fees	(2.00)	8908.97
012914				A1		ASSESSMENT	(436.87)	
020114		APPLY CHARGES		A1		ASSESSMENT	185.00	9093.97
022614	437.68	881486	022614	A1		ASSESSMENT	(437.68)	8656.29
030114		APPLY CHARGES		A1		ASSESSMENT	185.00	8841.29
032614	437.14	885515	032614	A1		ASSESSMENT	(437.14)	8404.15
040114		APPLY CHARGES		A1		ASSESSMENT	185.00	8589.15
042814	165.00	889568	042814	A1		ASSESSMENT	(165.00)	8424.15
050114		APPLY CHARGES		A1		ASSESSMENT	185.00	8609.15
053014	165.00	893707	053014	A1		ASSESSMENT	(165.00)	8444.15
060114		APPLY CHARGES		A1		ASSESSMENT	185.00	8629.15
062614	165.00	897770	062614	A1		ASSESSMENT	(165.00)	8464.15

DATE: 1/12/16 TIME: 8:22 AM

Beacon Hill Townhouse Condominium Assn.

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FINANCIAL TRANSACTIONS - 01/12/16

7313 BEACON HILL DR
DAVID A. BERTUS
Unit ID: 7313
STATUS: 07 - Bankruptcy
PREPAID BAL: 0.00

DATE	PAYMT/AMT	CHECK#	DEP/DT	CODE	N/A	DESCRIPTION	AMOUNT	BALANCE
123112		INIT LIAB BAL		A1		ASSESSMENT	11353.86	11353.86
010113		APPLY CHARGES		A1		ASSESSMENT	185.00	11538.86
020113		APPLY CHARGES		A1		ASSESSMENT	185.00	11723.86
020813	409.82	827738S	020813	A1		ASSESSMENT	(409.82)	11314.04
022813	446.74	832038S	022813	A1		ASSESSMENT	(446.74)	10867.30
030113		APPLY CHARGES		A1		ASSESSMENT	185.00	11052.30
031513		EXPENSE ADJ		05		Attorney Fees	437.50	11489.80
031913		APPLY LATE FEE		01		Late Fees	10.00	11499.80
032813	446.31	836186S	032813	01		Late Fees	(10.00)	11053.49
032813				05		Attorney Fees	(436.31)	
040113		APPLY CHARGES		A1		ASSESSMENT	185.00	11238.49
041813		APPLY LATE FEE		01		Late Fees	10.00	11248.49
050113		APPLY CHARGES		A1		ASSESSMENT	185.00	11433.49
050713	445.87	840274S	050713	01		Late Fees	(10.00)	10987.62
050713				05		Attorney Fees	(1.19)	
050713				A1		ASSESSMENT	(434.68)	
052113		APPLY LATE FEE		01		Late Fees	10.00	10997.62
052913	445.44	844438S	052913	01		Late Fees	(10.00)	10552.18
052913				A1		ASSESSMENT	(435.44)	
060113		APPLY CHARGES		A1		ASSESSMENT	185.00	10737.18
061313		EXPENSE ADJ		05		Attorney Fees	35.00	10772.18
070113		APPLY CHARGES		A1		ASSESSMENT	185.00	10957.18
071813		APPLY LATE FEE		01		Late Fees	10.00	10967.18
080113		APPLY CHARGES		A1		ASSESSMENT	185.00	11152.18
080813	439.85	852732S	080813	01		Late Fees	(10.00)	10712.33
080813				05		Attorney Fees	(35.00)	
080813				A1		ASSESSMENT	(394.85)	
081513		EXPENSE ADJ		05		Attorney Fees	35.00	10747.33
082713		APPLY LATE FEE		01		Late Fees	10.00	10757.33